

6 December 1954

MEMORANDUM FOR: All Attorneys, Office of General Counsel

SUBJECT : Matters Anticipatory of the Publication of Office
Opinions

1. Some time in the near future, this office will undertake the publication of its opinions within the Agency. While this will involve some problems not of immediate concern to all members of the office, the following matters of an internal administrative nature which are necessarily ancillary to the publication process are called to your attention.

2. As regards the future writing of opinions, you are requested both to make as much reference to previous opinions of the office having to do with the same subject matter as is possible and to write the opinions along the lines set out following:

a. First paragraph: An acknowledgement of the requesting memorandum or conversation with specific reference to its date and subject matter.

b. Second paragraph: A statement of all of the relevant facts, both as originally furnished by the requestor and as subsequently may have been obtained.

c. Third paragraph: A statement of the applicable law or regulation, either as deemed to be applicable by the requestor, or as deemed so to be by you, or both.

d. Fourth paragraph: A framing of the issue(s).

e. Fifth paragraph (and additional paragraphs as thought necessary): A discussion of the applicable law or regulation vis-a-vis the facts.

f. Last paragraph: The conclusion(s).

g. Head note: A head note for the opinion should be typed on a separate piece of paper and sent forward with the chrono, as per paragraph 4 below. This head note should be no more than three or four typewritten lines long and should state the precise holding of the particular opinion in terms of its particular facts.

3. There is a certain merit in our making more frequent reference to our previous writings than we have been doing in the past. Additionally, there is the consideration that such reference will tend to bind the body of "office-made law" into more cohesive form from the standpoint of the persons receiving the opinions. The suggested format probably would help clarify our own thinking about particular issues and should render the opinions more comprehensible to their readers. As before, opinions should be confined to the particular problems presented and refrain from generalization.

10 Jan 1965

4. As of a date to be announced, you are requested to send all chrono copies of opinions to [redacted] Room 349 South Building, immediately upon the dispatch of the original to the requestor. Using this chrono as a basis, he will "sterilize" the opinions where sterilization is deemed necessary and the opinion thought to be publishable, accomplish other changes of an editorial nature, and return the chronos.

5. The entire subject of the publication of the office opinions will be discussed at a staff meeting as soon as our proposals to the DD/A in this regard have been staffed out and other administrative groundwork laid.

[redacted]

LAWRENCE R. HOUSTON
General Counsel